

Remarks:

Applicant has studied the Office Action dated January 25, 2005, and has amended the claims to distinctively claim the subject matter of the invention. By virtue of this amendment, claims 1, 3-20 have been amended. New claims 21-29 are added. No new matter has been added. Support for the new claims and the amendments is found within the specification and the drawings, particularly paragraphs 42 and 46 (see pages 11-12) of the application, as originally filed. It is submitted that the application, as amended, is in condition for allowance. Reconsideration and reexamination are respectfully requested.

**§102 Rejection(s):**

Claims 1-20 are rejected under §102 (e) as being anticipated by US 6,785,331(Jozawa). In rejecting the claims, the Examiner has referred to figures 1, 6, 12 and a List 1 including a computer executable code.

It is respectfully noted that anticipation of claims using a drawing requires that "the picture must show all the claimed structural features and how they are put together" and "[t]he drawings must be evaluated for what they reasonably disclose and suggest to one of ordinary skill in the art." M.P.E.P. §2125. Furthermore, a code listing under section 102 must show all recited features of a method claim in order to anticipate the claim.

The Applicant has carefully reviewed the referenced figures and code listing and is unable to find a one-to-one correspondence between the recited elements of claim 1 and the teachings of Jozawa as illustrated in the cited figures or the code listing. Particularly, while the Examiner is correct in that the cited portions of Jozawa teach a step of determining the value of a COD flag for a microblock, in accordance with the video object plane (VOP)'s type (i.e., I, P, B, or SPRITE), Jozawa fails to suggest changing the value of the COD, MCBPC, CBPY and MVD flags, if it is determined that the COD flag is equal to a first value (e.g., COD=1) indicating lack of motion information in the macroblock.

Anticipation of a claim under 35 U.S.C. §102 (a), (b) and (e) requires that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," that "[t]he identical invention must be shown in as complete detail as

is contained in the ... claim" and "[t]he elements must be arranged as required by the claim." M.P.E.P. §2131.

Since Jozawa fails to disclose at least one of the recited elements in amended claim 1, a rejection under § 102 would be improper. As such, § 102 rejection of claim 1 and claims 2-20 either dependent on claim 1 or substantially incorporating all the elements of claim 1 should be withdrawn.

The Applicant further directs the attention of the Examiner to the following sections of Jozawa: col. 1, lns. 9-16; col. 4, lns. 24-28; col. 5, lns. 14-26 and col. 7, lns. 5-30. The cited sections indicate that Jozawa is directed to solving a particular problem associated with MPEG-4 coding, wherein a special coding type "SPRITE" ("newly introduced concept in MPEG-4, in which prediction is performed based on the background picture over the whole part of a video clip") is used.

More particularly, in an MPEG-4 streaming environment, when the VOP type is SPRITE, a 1-bit code word "MCSEL" (see FIG. 5) is output as prediction mode information. In a low transmission environment, this 1-bit word can occupy an excessive portion of the entire data rate (e.g., 5%). Since this is intolerable, Jozawa has suggested a method of setting MCSEL (see Lists 4 and 5) to avoid the noted problem.

No where in Jozawa is a teaching, disclosure, or suggestion for "determining if the COD flag is equal to a first value indicating lack of motion information in the macroblock; [and] changing the COD flag of the macroblock to a second value, if the COD flag is equal to the first value, wherein the second value is not equal to the first value so that a decoder can detect an error by checking the value of COD flag if the COD flag is equal to the first value," as claimed.

In contrast, referring to column 5, lines 52-60 and column 11, lines 28-33 of Jozawa, COD is set to 1, when the motion vector for a macroblock is (0,0) (i.e., no motion information is available). Jozawa teaches that if "COD=1, then all the following steps (relating to the current macroblock) are skipped and the operation necessary for processing the next macroblock is started. In this case, it is unnecessary to encode the macroblock type, the motion vector

information 9, and the DCT coefficient; thus a large compression is possible.” (emphasis added) Thus, according to Jozawa when COD=1, the MCBPC, CBPY and MVD flag values are NOT coded (see also col. 5, ln. 66 to col. 6, ln. 60). That is, Jozawa specifically teaches away from the method recited in claims 1-20 for changing the values of MCBPC, CBPY and MVD flags, if COD = 1.

For the above reasons, the invention as recited in the amended claim 1 is distinguishable over the references cited by the Examiner. Claims 2-29 therefore should be also in condition for allowance, either by way of depending from claim 1 or substantially incorporating the discussed elements of claim 1.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have expressly argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California, telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,  
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